

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1-09-cr-6079
vs.)	
)	
C.L. BROWN)	JUDGE COLLIER

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on December 15, 2009, for an initial appearance and on December 17, 2009, for a preliminary hearing and detention hearing, 2009, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision of U.S. Probation Officer Kevin Matherly and the Warrant for Arrest issued by Chief U.S. District Judge Curtis L. Collier. Those present for the hearing included:

- (1) AUSA Gary Humble for the USA.
- (2) Defendant C.L. BROWN.
- (3) Attorney Anthony Martinez for defendant.
- (4) U.S. Probation Officer Kevin Matherly.
- (5) Deputy Clerk Kelli Jones.

At the December 15, 2009, hearing, the defendant was sworn in due form of law and informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney at the initial appearance and the Court appointed Atty. Anthony Martinez of Federal Defender Services of Eastern Tennessee, Inc. for that hearing. At the December 17, 2009, hearing, the Defendant informed the Court that he had not been able to retain counsel and therefore would like counsel appointed. He qualified for the appointment of an attorney to represent him at government expense. Attorney Anthony Martinez of Federal Defender Services of Eastern Tennessee, Inc. was appointed to represent the defendant with the stipulation that defendant must pay \$400 towards his representation. It was determined the defendant had been provided with a copy of the Petition for Warrant for Offender Under Supervision and the Warrant for Arrest and had the opportunity of reviewing those documents with his attorney. It was also determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

AUSA Humble moved defendant be detained without bail pending his revocation hearing before U.S. District Judge Curtis L. Collier. The defendant waived his right to a preliminary hearing.

Findings

- (1) Based upon USPO Kevin Matherly's testimony and defendant's waiver of the preliminary hearing, the undersigned finds there is probable cause to believe defendant has committed violations of his conditions of supervised release as alleged or set forth in the Petition.
- (2) The defendant has not carried his burden under Rule 32.1(a)(c) of the Federal Rules of Criminal Procedure, that if released on bail he will not flee or will not pose a danger to the community.

Conclusions

It is ORDERED:

- (1) The defendant shall appear in a revocation hearing before Chief U.S. District Judge Curtis L. Collier.
- (2) The motion of AUSA Humble that defendant be DETAINED WITHOUT BAIL pending his revocation hearing before Judge Collier is GRANTED.
- (3) The U.S. Marshal shall transport defendant to a revocation hearing before Judge Collier on **Thursday, January 7, 2010, at 2:00 pm.**

ENTER.

Dated: December 17, 2009

s/William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE